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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/A/7/1847/69

In exercise of the powers conferred on him by Rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Dramatic Performances Bill, 1969

(Bill No. 13 of 1969)

A Bill to provide for the better control of public dramatic performances in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twentieth Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Dramatic Performances Act, 1969.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**— In this Act, unless the context otherwise requires,—

(1) “High Court” means the Court of the Judicial Commissioner for the Union territory of Goa, Daman and Diu;

(2) “Government” means the Government of Goa, Daman and Diu;

(3) “Objectionable performance” means any play, pantomime or other drama which is likely to—

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State or Union territory thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which—

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

Explanation I.— A performance shall not be deemed to be objectionable merely because in the

course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(4) "Public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

3. Power to prohibit objectionable performances.—(1) Whenever the Government is satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, it may, by order stating the grounds on which they consider the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Official Gazette.

(4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Power to prohibit objectionable performances temporarily.—(1) The District Magistrate may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being of the nature specified in clause (3) of section 2, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance:

Provided that the officer who passed such order may review it on an application made by the person or party affected by such order.

(2) Subject to any order made by the High Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the District Magistrate may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. Service of order of prohibition.—A copy of the order made under section 3, sub-section (1), or under section 4, sub-section (1) or sub-section (2), may be served personally or in such other manner as may be prescribed by rules made under section 13,

on the organizers or other principal persons responsible for the conduct of, or any person about to take part in the performance so prohibited or on the owner or occupier of the public place, in which such performance is intended to take place.

6. Penalty for disobeying order.—Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

7. Penalty for disobeying prohibition.—(1) Any person who, after the publication of an order under section (3), sub-section (3), or during the period when an order made under section 4, sub-section (1) or sub-section (2), is in force, organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performances substantially the same as the performances so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

8. Power to call for information.—(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the Government, or such officer as it may empower in this behalf, may, by order require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or the occupier of the place in which it is intended to be performed, to furnish such information as the Government or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

45. of 1860

9. Power to call for copy of purport of drama, etc.—(1) If the Government or the District Magistrate has reason to believe that an objectionable dramatic performance is about to take place, it or he, as the case may be, may, by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less

than seven days before the performance to the Government or the District Magistrate aforesaid.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place, in which such performance is intended to take place and if thereafter he does, or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(3) All offences punishable under this Act shall be cognizable and bailable.

10. Appeal to High Court.—Any person aggrieved by an order under section 3, sub-section (1), or under section 4, sub-section (1) or sub-section (2), may, within sixty days of the publication of such order under section 3, sub-section (3), or, as the case may be, within sixty days of the date on which an order under section 4, sub-section (1) or sub-section (2), is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

11. Saving of prosecutions under other laws.—Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code or any other law.

45 of 1860

12. Protection for acts done in good faith.—No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

13. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislature agree in making any modification in the rule or the Legislature agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modi-

fied form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

14. Repeal of Portaria no. 6982 dated the 25th July, 1957.—The Portaria No. 6982 dated the 25th July, 1957 as modified by order no. GAD/64/6964/1st, dated the 2nd November 1964 in so far as it applies to the Union territory of Goa, Daman and Diu, is hereby repealed.

Statement of objects and reasons

There is an ex-Portuguese Law in force in this territory whereby public dramatic performances like drama, play, one-act play, tiyatra (konkani drama), tamasha or folk show, in any language cannot be performed in public without the prior approval of the script by the Government.

It has been felt that fresh legislation on this subject be undertaken to bring it in line with the law prevailing in some parts of Goa.

The provisions contained in this Bill are more or less analogous to the Dramatic Performance Act which is in force in some parts of India.

The Goa, Daman and Diu Dramatic Performances Bill 1969, therefore, seeks to achieve this object.

Memorandum regarding delegated legislation

Clause 13 of the Bill empowers the Government to make Rules on various matters for carrying out the purposes of the Act. These are matters of detail or procedure. The delegation of Legislation powers is thus of normal character.

Financial memorandum

No financial commitments are involved in this Bill. The Officers and staff for the compliance of the provisions of this Bill will be mostly those presently working under the Portuguese Decree-Law No. 38964, dated 27-10-1952 and Portaria No. 6982, dated 25-7-1957 as amended from time to time.

Panaji,
21st August, 1969.

D. B. BANDODKAR
Chief Minister

Assembly Hall,
Panaji,
28th August, 1969.

R. L. SEGEL
Secretary to the Legislative Assembly
of Goa, Daman and Diu.